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Letter dated 23 August 2018 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter dated 21 August 2018 from the Arakan Rohingya Society for Peace and Human Rights, which is run by a Rohingya refugee named Mohib Bullah (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Karel J.G. **van Oosterom**
Ambassador
Permanent Representative

18-13977 (E) 280818

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Annex to the letter dated 23 August 2018 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

This month marks one year since Burmese forces ethnically cleansed over 700,000 Rohingya from Rakhine State. We — Rohingya refugees, diaspora groups and Burmese human rights groups — have spent the past 12 months coming to grips with the catastrophic toll of the Burmese Government's atrocities, and assessing the steps needed to move forward.

The scale of the Burmese Government's atrocities include — but are not limited to — the systematic use of force and intimidation of civilians, killing of men, women and children, sexual violence and the deliberate destruction and burning of homes and property. Those of us in the camps survived these atrocities, but tens of thousands of civilians did not. These victims deserve justice, and we deserve a credible pathway home.

We were cautiously optimistic when, in the spring of 2018, the Security Council chose to visit Cox's Bazar and Rakhine State. We were similarly hopeful when, in July, the United Nations Secretary-General visited our shelters in Bangladesh and called on Member States to increase the pressure on Burma, to ensure our safe return home. Like the Secretary-General, we believed that Council members could overcome the divisions that impeded action, and take the steps necessary to enable a safe, dignified and voluntary return home. We fear, however, that our hopes will not be realized.

One year after our ethnic cleansing, Burma has still not shut down its internally displaced persons camps. A total of 128,000 people (the vast majority of them Rohingya) remain interned in State-run camps. The exodus of refugees from Burma into Bangladesh continues, because conditions inside Burma have not improved — on the contrary, conditions have only gotten worse. Our brothers and sisters inside Burma report stronger restrictions on their movement. New bans on religious instruction and the building of places of worship to study the Bible and Qur'an are further stifling religious freedom. Religious and ethnic minorities continue to be denied access to livelihoods, education and basic health services — and are met with State-sponsored violence. This year, hundreds of thousands of innocent civilians have been displaced by the Burmese army's assaults in Kachin, Shan and Khayin States, where they are subject to indiscriminate shelling and used by the Burmese military as human shields and mine sweepers. Even non-violent student protesters in Yangon have not been spared.

Burma's Government will never voluntarily create the conditions necessary for the return of the Rohingya. Despite its attempts at window-dressing reform, it has taken no steps to address the root causes of the Rohingya crisis. On the contrary, the Government refuses to grant the Rohingya citizenship, or even recognize the term "Rohingya". State authorities thwart a legitimate, international effort to bring war criminals to account and deliver the justice that victims deserve. Indeed, we have no confidence in our Government's so-called "Commission of Enquiry", the sixth such mechanism created by Aung San Suu Kyi's Government to date. Like the numerous mechanisms before it, this, too, is designed only to delay and distract. Its mission is not to deliver justice for victims, but to defer international pressure on war criminals. The Burmese Government desperately hopes that the world's attention will recede and the plight of the Rohingya will be forgotten. Only you, members of the Security Council, can ensure that this is not the case and that pressure remains firmly on the Burmese Government. We therefore urge the Council to increase efforts to:

- **Oversee and monitor the repatriation process**. This requires not only regular reporting on any repatriation agreement to the Security Council, but also direct, meaningful and sustained consultation with the Rohingya. No decisions about our future should be taken without our input. If any repatriation process is to be voluntary, then we cannot be excluded from it. No agreement — including the memorandum of understanding between Burma and the Office of the United Nations High Commissioner for Refugees/United Nations Development Programme — can be effective or credible if it is forged without our consent.

- **Maintain pressure on Burma to address the root causes of the Rohingya crisis**. A sustainable solution will not be achieved until the Burmese Government restores our citizenship and recognizes our humanity and provides the Rohingya — and all Burmese minorities — with the rights we deserve.

- **Secure a credible accountability process**. Burma's Commission of Enquiry is a sham. For victims to have confidence in an accountability process, the Council should refer the situation in Myanmar to the International Criminal Court. In the absence of a referral, Member States should establish an international, impartial and independent mechanism for Burma, to collect evidence of atrocities and create trial-ready cases.

To achieve these goals, we recommend that the Council establish benchmarks through which to ensure that the Burmese Government is improving the situation on the ground. Such benchmarks should include:

(i) **Recognition/restoration of our status as Rohingya**. Burma must stop denying our status as Rohingya.

(ii) **Prisoner release and the dropping of charges**. All those arbitrarily detained by Burmese authorities should be released, including the two Reuters journalists who revealed atrocities against the Rohingya. As a first step, the legal charges against these journalists should be dropped.

(iii) **Guarantees of non-reprisal**. We are deeply concerned that those who return will face imprisonment or reprisal by the regime. Burma must give clear guarantees that returnees will not be persecuted, and Rohingya civil servants will be allowed to keep their positions.

(iv) **Closure of internally displaced persons camps**. Internally displaced persons camps in Sittwe and elsewhere should be dismantled, and their residents permitted free access to return home. Construction of new internally displaced persons camps should be immediately halted.

(v) **Free access to Rakhine State by media, human rights groups and the United Nations**. If Burma is committed to reform, journalists, human rights groups and the United Nations — including the independent international fact-finding mission on Myanmar and the Special Rapporteur on the situation of human rights in Myanmar — must be allowed full, unfettered access to all areas of interest.

(vi) **End to national verification cards**. For generations, identification documents have been used to institutionalize the Rohingya's secondary status as non-citizens. Burma's use of national verification cards is a veiled attempt to deny our equality and dignity as Burmese nationals — and it must end.

(vii) **Ensure freedom of religion, education, health, movement and access to markets**. The fundamental rights of all ethnic and religious minorities in Burma must be guaranteed — in law and in practice.

(viii) **Rehabilitate our land, villages, property**. Our homeland in Rakhine State has been destroyed. We cannot return until our original land, villages and property are fully rehabilitated and returned to us.

(ix) **Direct, meaningful and sustained consultation with Rohingya. Burma must meaningfully gauge our views and garner our input**. It is not enough simply to hear us: we Rohingya must have a meaningful role in shaping the terms of any future repatriation process. This includes the establishment of a strong memorandum of understanding between the Rohingya and the Burmese Government.

(x) **Agree United Nations security presence in Rakhine State**. We cannot return to Burma until our safety inside Rakhine State is assured. A United Nations civilian observer mission on the ground, inside Rakhine State, would begin to provide the assurances we need to make a safe, secure and voluntary return.

Meeting the aforementioned benchmarks will help build our confidence in the process and create the conditions in which we can return to our homeland. Failing to meet these benchmarks, however, and failing to achieve tangible progress on the ground (which United Nations agencies have themselves called for) should incite a serious, targeted response from Member States. When it comes to Burma, the Security Council can no longer afford to engage in business as usual. Trade and military deals with the Burmese Government should be reviewed and, where necessary, rescinded. You have now seen first-hand the consequences of Burma's crimes against humanity. We hope that our suffering will not ebb from your memory, but will instead compel the Security Council to apply the pressure needed to ensure tangible progress by the Burmese Government.

(*Signed*) Mohib **Bullah**
Chair
Arakan Rohingya Society for Peace and Human Rights
Kutupalong, Ukhiya, Cox's Bazar, Bangladesh